## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:11 cv 52

KANDIS MALONE,	)	
Plaintiff	)	ORDER
v	)	ORDER
WELLS FARGO FINANCIAL SOUTH	)	
CAROLINA, INC.,	)	
Defendant.	)	

THIS MATTER has come on before the undersigned pursuant to referral from Judge Robert Conrad, Chief District Court Judge for the Western District of North Carolina, pursuant to the following motions:

- 1) Motion to Dismiss filed by Defendant pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure; and
- 2) Two motions filed by Plaintiff entitled Motion to Remand and For Extension of Time (#5) and Amended Motion to Remand and For Extension of Time (#6).

Plaintiff has not responded with any responsive brief to Defendant's Motion to Dismiss. In Plaintiff's motion, Plaintiff requests that Plaintiff be granted a thirty (30) day extension of time after Court's ruling on Plaintiff's latter filed Motion to Remand to respond to Defendant's Motion to Dismiss. Rather than deal with the various motions filed in this matter in a piece-meal fashion, the undersigned has determined to enter an order directing that Plaintiff respond to the Motion to Dismiss of

Defendant on or before August 26, 2011. Defendant shall be allowed, within the time

limit as set forth in the Local Civil Rules to file a reply. The undersigned will then

issue memorandums and recommendations to Chief Judge Conrad in regard to both

pending motions.

**ORDER** 

IT IS, THEREFORE, ORDERED that the motion for extension of time and

amended motion for extension of time (#5 & #6) is hereby ALLOWED in part.

Plaintiff is **ORDERED** and directed to file a response to Defendant's Motion to

Dismiss (#3) on or before August 26, 2011 and Defendant shall then be allowed to

file a reply as set forth in Local Civil Rules.

Signed: August 9, 2011

Dennis L. Howell

United States Magistrate Judge

ennis & Hawel

2